



General Assembly

Substitute Bill No. 5026

February Session, 2000

An Act Concerning Newborns At High Risk Of Neglect.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) Any hospital or other licensed health care
2 provider may refer to the Commissioner of Children and Families any
3 newborn in danger because of a combination of special medical needs
4 resulting from narcotic withdrawal or fetal alcohol syndrome
5 diagnosed by a licensed physician and a reasonable belief by the
6 hospital or licensed health care provider that the newborn will be
7 denied proper medical care and attention.

8 (b) The commissioner shall complete an investigation of the referral
9 prior to the discharge of such newborn. In substantiating that a
10 newborn is at high risk of neglect, the investigation shall include an
11 assessment of the following: (1) The extent of the mother's prenatal
12 care during the pregnancy of the newborn; (2) the failure of the parent
13 to participate in services offered in the hospital to meet the special
14 needs of the newborn; (3) the ability of the parent to provide care to
15 the newborn, including the provisions of appropriate care in the home;
16 (4) the willingness of the parent to participate in appropriate services
17 for such parent and the newborn; (5) support services within the
18 family or community that are available to the parents of the newborn
19 and the willingness of the parents to access such services; and (6) the
20 safety and adequacy of the home. Substantiation shall be made by
21 interview, contact with others, observation of parent and child and

22 review of documents and shall be performed in collaboration with the
23 physician of the newborn, other licensed health care providers
24 providing direct care to the newborn, social workers and appropriate
25 community organizations. For the purposes of this section, the
26 treatment of any newborn by an accredited Christian Science
27 practitioner in lieu of treatment by a licensed practitioner of the
28 healing arts shall not constitute a high risk of neglect.

29 (c) Not less than three days after a newborn determined to be at
30 high risk of neglect is released from the hospital, the commissioner
31 shall provide or arrange for intensive supervision of the newborn
32 which shall include, but not be limited to, visits to the newborn and
33 family of such newborn, twice a week for at least four weeks. In
34 providing for or arranging such supervision, the commissioner shall
35 take into consideration the discharge plan developed by the hospital
36 for the newborn in accordance with regulations adopted pursuant to
37 section 19a-504c of the general statutes. The commissioner shall assign
38 a caseworker to the family. The commissioner shall establish uniform
39 guidelines for contact with the family which shall include, but not be
40 limited to, the following: (1) The purpose and method of the contact;
41 (2) the mechanism for collaborating or contracting with agencies
42 providing home-based services; and (3) provisions to close the case or
43 to continue contact for more than four weeks. Such guidelines shall not
44 be deemed to be regulations, as defined in subdivision (13) of section
45 4-166 of the general statutes.

46 Sec. 2. Section 46b-120 of the general statutes is repealed and the
47 following is substituted in lieu thereof:

48 The terms used in this chapter shall, in its interpretation and in the
49 interpretation of other statutes, be defined as follows: (1) "Child"
50 means any person under sixteen years of age and, for purposes of
51 delinquency matters, "child" means any person (A) under sixteen years
52 of age or, (B) sixteen years of age or older who, prior to attaining
53 sixteen years of age, has violated any federal or state law or municipal
54 or local ordinance, other than an ordinance regulating behavior of a

55 child in a family with service needs, and, subsequent to attaining
56 sixteen years of age, violates any order of the Superior Court or any
57 condition of probation ordered by the Superior Court with respect to
58 such delinquency proceeding; (2) "youth" means any person sixteen to
59 eighteen years of age; (3) "abused" means that a child or youth (A) has
60 had physical injury or injuries inflicted upon [him] such child or youth
61 other than by accidental means, or (B) has injuries which are at
62 variance with the history given of them, or (C) is in a condition which
63 is the result of maltreatment such as, but not limited to, malnutrition,
64 sexual molestation or exploitation, deprivation of necessities,
65 emotional maltreatment or cruel punishment; (4) a child may be found
66 "mentally deficient" who, by reason of a deficiency of intelligence,
67 which has existed from birth or from early age, requires, or will
68 require, for [his] the child's protection or for the protection of others,
69 special care, supervision and control; (5) a child may be convicted as
70 "delinquent" who has violated (A) any federal or state law or
71 municipal or local ordinance, other than an ordinance regulating
72 behavior of a child in a family with service needs, (B) any order of the
73 Superior Court or (C) conditions of probation as ordered by the court;
74 (6) a child or youth may be found "dependent" whose home is a
75 suitable one for [him, save] the child or youth, except for the financial
76 inability of [his] such child's or youth's parents, parent [,] or guardian
77 or other person maintaining such home [,] to provide the specialized
78 care [his] such child's or youth's condition requires; (7) a "family with
79 service needs" means a family which includes a child who (A) has
80 without just cause run away from [his] the parental home or other
81 properly authorized and lawful place of abode; (B) is beyond the
82 control of [his] such child's parent, parents, guardian or other
83 custodian; (C) has engaged in indecent or immoral conduct; (D) is a
84 truant or habitual truant or who, while in school, has been
85 continuously and overtly defiant of school rules and regulations; or (E)
86 is thirteen years of age or older and has engaged in sexual intercourse
87 with another person and such other person is thirteen years of age or
88 older and not more than two years older or younger than such child;
89 (8) a child or youth may be found "neglected" who (A) has been

90 abandoned or (B) is being denied proper care and attention, physically,
91 educationally, emotionally or morally or (C) is being permitted to live
92 under conditions, circumstances or associations injurious to [his] the
93 well-being of the child or youth or (D) has been abused or (E) is an
94 infant (i) who the Department of Children and Families has
95 substantiated to be a newborn at high risk of neglect, (ii) whose
96 parents are not following the discharge plan of the hospital or
97 participating in the program of supervision arranged by said
98 department, and (iii) for whom the failure to follow the plan or
99 participate in the program places such infant in danger; (9) a child or
100 youth may be found "uncared for" who is homeless or whose home
101 cannot provide the specialized care which [his] the child's or youth's
102 physical, emotional or mental condition requires. For the purposes of
103 this section the treatment of any child by an accredited Christian
104 Science practitioner in lieu of treatment by a licensed practitioner of
105 the healing arts, shall not of itself constitute neglect or maltreatment;
106 (10) "delinquent act" means the violation of any federal or state law or
107 municipal or local ordinance, other than an ordinance regulating the
108 behavior of a child in a family with service needs, or the violation of
109 any order of the Superior Court; (11) "serious juvenile offense" means
110 (A) the violation by a child, including attempt or conspiracy to violate
111 sections 21a-277, 21a-278, 29-33, as amended, 29-34, 29-35, as amended,
112 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to
113 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, as amended, 53a-70 to
114 53a-71, inclusive, as amended, 53a-72b, as amended, 53a-86, 53a-92 to
115 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a, 53a-111 to 53a-
116 113, inclusive, subdivision (1) of subsection (a) of section 53a-122,
117 subdivision (3) of subsection (a) of section 53a-123, 53a-134, 53a-135,
118 53a-136a, 53a-166, 53a-167c, subsection (a) of section 53a-174, 53a-196a,
119 53a-211, 53a-212, 53a-216 or 53a-217b, or (B) running away, without
120 just cause, from any secure placement other than home while referred
121 as a delinquent child to the Office of Alternative Sanctions or
122 committed as a delinquent child to the Commissioner of Children and
123 Families for a serious juvenile offense; (12) "serious juvenile offender"
124 means any child convicted as delinquent for commission of a serious

125 juvenile offense; (13) "serious juvenile repeat offender" means any
126 child charged with the commission of any felony if such child has
127 previously been convicted delinquent at any age for two violations of
128 any provision of title 21a, 29, 53 or 53a which is designated as a felony;
129 (14) "alcohol-dependent child" means any child who has a
130 psychoactive substance dependence on alcohol as that condition is
131 defined in the most recent edition of the American Psychiatric
132 Association's "Diagnostic and Statistical Manual of Mental Disorders";
133 (15) "drug-dependent child" means any child who has a psychoactive
134 substance dependence on drugs as that condition is defined in the
135 most recent edition of the American Psychiatric Association's
136 "Diagnostic and Statistical Manual of Mental Disorders". No child shall
137 be classified as drug dependent who is dependent (A) upon a
138 morphine-type substance as an incident to current medical treatment
139 of a demonstrable physical disorder other than drug dependence, or
140 (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic
141 or other stimulant and depressant substances as an incident to current
142 medical treatment of a demonstrable physical or psychological
143 disorder, or both, other than drug dependence.

KID Committee Vote: Yea 12 Nay 0 JFS C/R JUD